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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,670	11/29/2001	Sassan Tarahomi	7104-83736	5767

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Welsh & Katz, Ltd.
Jeffrey W. Salmon
22nd Floor
120 South Riverside Plaza
Chicago, IL 60606

EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/997,670

Applicant(s)
Tarahomi

Examiner
Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 26, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It would appear that claim 1 is not generic to claim 4 unless applicant also intends destructive removal.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to

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the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

As to claim 10, the panels 7 and 5 are shown as metal, a high density material.

14-20

4. Claims 1-10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ver Deutsche Metallwerke AG in view of Carbone et al..

Ver Deutsche Metallwerke AG shows elongated beam 5, foam portion 3, fascia surrounding same being common knowledge in the art, a recess in the foam portion, and a metallic cylindrical cell matrix disposed in the recess and configured to absorb energy. The matrix is removably secured within the recess after formation of the foam portion by destructive cutting of the foam around a portion of the periphery.

Carbone et al. teaches a fascia 17 encapsulating a cylindrical cell matrix made of plastic or metal. It would have been obvious to one of ordinary skill in the art to provide in Ver Deutsche Metallwerke AG a fascia and plastic material as taught by Carbone et al. as a known alternative in the art.

As to claim 3, adhesive bonding of an insert within a foam material is not only common knowledge in the art, but an obvious expedient to secure.

As to claim 4, process steps are not given patentable weight in a product claim (MPEP 2113).

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As to claims 5-6, Ver Deutsche Metallwerke AG shows approximately 56 percent. The exact ratio of foam and recess is deemed to be a determination of a technician evaluated for each vehicle and weight to meet government standards.

As to claim 7, Ver Deutsche Metallwerke AG shows the matrix flush with the beam and foam interface.

As to claim 8, applicant admits the use of this material in the prior art, hence It would have been obvious to one of ordinary skill in the art to provide this material in the current bumper to meet low speed impacts.

As to claim 9, the determination of density as also one of a technician.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ver Deutsche Metallwerke AG in view of Carbone et al. and Glance.

It would have been obvious to one of ordinary skill in the art to provide in Ver Deutsche Metallwerke AG as modified by Carbone et al. a sandwiched absorber as taught by Glance sandwiched by panels 64.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ver Deutsche Metallwerke AG in view of Carbone et al. and Hale.

It would have been obvious to one of ordinary skill in the art to provide in Ver Deutsche Metallwerke AG as modified by Carbone et al. a metal replacement of polyester sheet molded compound as taught by Hale as an equivalent in the art.

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Response to Arguments

7. Applicant's arguments filed 12/26/2002 have been fully considered but they are not persuasive.

See the detailed rejection above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuczynski et al. shows a cell absorber encased in foam material.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

DHP

January 7, 2003


Dennis H. Pedder
Primary Examiner
Art Unit 3612
1/7/03